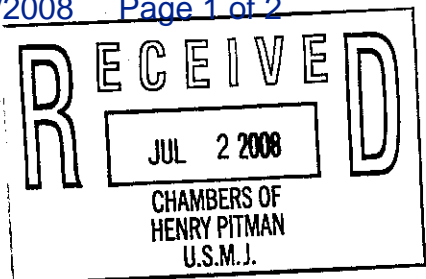


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Russell Harris 93A6275
P.O. Box 1245
Beacon, New York 12508

June 25, 2008



Honorable Henry B. Pitman
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Harris v. Correction Officer Velez, et al 07 Civ 11309
(LTS) (HBP)

Dear Honorable Judge Pitman:

On May 16, 2008, counsel for defendants' filed an Answer to the Civil Rights Complaint submitted by plaintiff. In his answer, counsel states that he represents defendants Velez and McTurner, but that defendant Flores has not been served with the Complaint and "is not represented by the Office of the Attorney General at this time." According to counsel, the Department of Correctional Services has advised him that defendant Flores left for military leave on or about January 18, 2008.

For the reasons that follow, plaintiff requests an Order from this Court directing the office of the Attorney General, specifically counsel representing defendants' Velez and McTurner, to accept service of the complaint and summons on behalf of defendant Flores.

First, and to the extent that defendant Flores is on active military duty, it is impossible for plaintiff to currently effect service of the complaint upon him.

Second, whenever defendant Flores returns and is served, it is the Attorney General's office that will undertake his representation.

Third, counsel will then, if they choose, file an answer on defendant's Flores behalf, and may even seek to take an additional deposition and conduct additional discovery.

Fourth, should we decide to engage in settlement discussions, it would be in the interests of all parties that the entire action is settled rather than a settlement that covers two defendants and leaves the action open for litigation regarding another defendant.

Fourth, in plaintiff's opinion it would be a waste of the court's time and resources, as the litigations could well be under way then, and would only create delays.

It seems in the best interest of all the parties that counsel for defendants accept service of the complaint for defendant Flores so that the litigations could proceed with full representation of all of the defendants at one time.

Wherefore plaintiff seeks an Order from the Court directing counsel to accept service of the complaint on behalf of defendant Flores, and for such service to be made by Ordinary Mail, by plaintiff, at the business address of counsel.

Very truly yours,

Russell Harris
Russell Harris

APPLICATION DENIED I KNOW
OF NO LEGAL BASIS FOR THE
POWER REQUESTED

SO ORDERED

Henry Pitman
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
7-2-08

cc: Wesley E. Bauman
Assistant Attorney General (by affidavit of service).